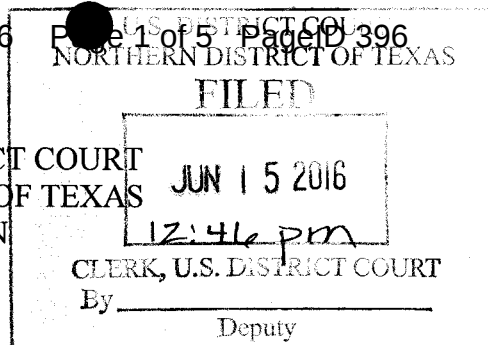


ORIGINAL

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



EXXON MOBIL CORPORATION,

Plaintiff,

v.

MAURA TRACY HEALEY, Attorney
General of Massachusetts, in her
official capacity,

Defendant.

CIVIL ACTION NO. 4:16-CV-469-A

ORAL ARGUMENT REQUESTED

**PLAINTIFF EXXON MOBIL CORPORATION'S
MOTION FOR A PRELIMINARY INJUNCTION**

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Counsel for Exxon Mobil Corporation

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff Exxon Mobil Corporation (“ExxonMobil”) respectfully submits this Motion for a Preliminary Injunction.

In support thereof, Plaintiff shows the Court as follows:

1. Plaintiff moves the Court for a preliminary injunction to prohibit the Defendant’s enforcement of the civil investigative demand (“CID”) it issued to Plaintiff on April 19, 2016.

2. As set out more fully in Plaintiff’s Memorandum of Law in Support of Plaintiff’s Motion for a Preliminary Injunction, Plaintiff has a substantial likelihood of prevailing on the merits of its claims that enforcement of the CID would violate Plaintiff’s rights under the United States and Texas constitutions.

3. There is a substantial threat that failure to grant the requested injunction will result in imminent irreparable injury to Plaintiff. Any threatened injury to Defendant from a preliminary injunction is outweighed by the threatened injury to Plaintiff if the injunction is not entered. Finally, granting the injunction will not disserve the public interest.

4. Plaintiff is willing to post a bond in the amount the Court deems appropriate.

PRAYER

For these reasons, and those set out in the Memorandum of Law in Support of Plaintiff Exxon Mobil Corporation’s Motion for a Preliminary Injunction, Plaintiff requests that the Court enter a preliminary injunction prohibiting Defendant from enforcing the CID.

Dated: June 15, 2016

Respectfully submitted,

EXXON MOBIL CORPORATION

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(*pro hac vice* pending)

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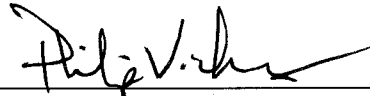
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CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2016, a copy of the foregoing instrument was served on the following party via **certified mail, return receipt requested**, in accordance with the Federal Rules of Civil Procedure:

Maura Healey
Massachusetts Attorney General's Office
One Ashburton Place
Boston, MA 02108-1518



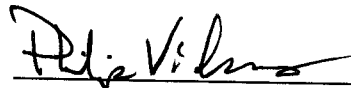
Philip A. Vickers

CERTIFICATE OF CONFERENCE

I hereby certify that at approximately 10:15 a.m., CDT, on June 15, 2016, Michele Hirshman (who is one of Plaintiff's attorneys in this matter and whose application for *pro hac vice* admission is pending) and I called Andy Goldberg, Assistant Attorney General for Massachusetts. Mr. Goldberg is the Assistant Attorney General Defendant Healey has previously designated and authorized to communicate with ExxonMobil in connection with the CID. We informed Mr. Goldberg in the message of the filing of the Complaint in this Court and of ExxonMobil's intention to file today a Motion for Preliminary Injunction asking the Court to enjoin enforcement of the CID. We requested that Mr. Goldberg call Ms. Hirshman and me before 11:30 a.m. CDT to advise us of Defendant's position with respect to the request for a preliminary injunction. Ms. Hirshman also asked Mr. Goldberg to speak with Defendant Healey promptly to determine when her office would be prepared to confer concerning Plaintiff's motion.

Ms. Hirshman and I then called Mr. Goldberg's colleague, and apparently his supervisor, Cristophe Courchesne, the Chief of the Massachusetts Attorney General's Environmental Protection Division, and left a similar voicemail. At 10:30 a.m. CDT, a copy of the Complaint was emailed to Mr. Goldberg, Mr. Courchesne, and to Melissa Hoffer, who is believed to be Mr. Courchesne's colleague and supervisor. The email explained that Plaintiff intended to file an application for a preliminary injunction. Each of Mr. Goldberg, Mr. Courchesne and Ms. Hoffer were asked to contact us by 11:30 a.m. CDT to propose a time when a representative of Defendant Healey would be available to confer.

At approximately 11:25 a.m. CDT, Mr. Goldberg called and left a message for Ms. Hirshman. Ms. Hirshman, Patrick Conlon of ExxonMobil, and I returned Mr. Goldberg's call at approximately 11:40 a.m. CDT. Ms. Hirshman advised him of ExxonMobil's intention to file a motion for preliminary injunction to enjoin enforcement of the CID. Mr. Goldberg advised that Defendant would not agree to the relief sought so this motion is presented to the Court for its consideration.


Philip A. Vickers